

Decision resolved on 11/19?

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Environmental Management
Division of Waste Management
UNDERGROUND STORAGE TANK SECTION
291 Promenade Street
Providence, RI 02908 - 5767

N62661 AR 000774
NAVSTA NEWPORT RI
5090 3a

7 November 1996

J.C. Wyman CAPT, CEC, USN
Director For Public Works
Department of the Navy
Naval Education and Training Center
1 Simonpietri Drive, Bldg. 1
Newport, R.I. 02841-5000

RE: Permanent UST Closure Workplan for Tank Farm #4
NETC, Newport R.I.
Demolition Procedures/Wetlands Exemption

Dear Captain Wyman:

As you are aware, in a letter dated 24 July 1996 (attached), the Rhode Island Department of Environmental Management (RIDEM), Office of Waste Management (OWM), Underground Storage Tank (UST) Program, stated that the above-referenced workplan for the Permanent Closure of the tanks at Tank Farm #4 was approvable in accordance with the Rhode Island *Regulations For Underground Storage Facilities Used For Petroleum Products and Hazardous Materials*. The letter stated that final approval could not be granted until appropriate documentation detailing the Navy's plans for demolition, referenced in the plan, were submitted to this office for review and approval.

To date, the Department has not received confirmation of plans for final disposition of the tanks and requires the submittal of the appropriate information/documentation in the form of an addendum to the current workplan. Please be aware that due to the fact that the site is also currently under the oversight of the United States Environmental Protection Agency (USEPA) Superfund Program, the RIDEM's Superfund Site Remediation Program has been involved in the review of this document. Accordingly, upon review of the proposed demolition plans the Department may require additional analytical sampling of the concrete. If you have any questions concerning this issue, please contact Paul Kulpa of the Office of Waste Management, Site Remediation Program, at (401) 277-3872 ext. 7111.

In addition, the 24 July 1996 letter from the Department stated that "all work on the site and surrounding the site must be evaluated for impact on wetlands and be performed in accordance with the RIDEM *Rules and Regulations Governing the Administrative and Enforcement of the*

Freshwater Wetlands Act". Upon the Navy's receipt of this letter, the UST Program was informed by Ron Blanchard of NETC that the Navy was requesting an exemption from the Wetlands Regulations in accordance with Rule 6.05. A letter requesting the exemption, dated 12 June 1996 and addressed to Dean Albro, Chief of Office of Freshwater Wetlands, was faxed to the UST Program on 1 August 1996. The UST Program coordinated with the Office of Freshwater Wetlands and Patrick Hogan of this office responded by calling Mr. Blanchard to delineate the requirements of obtaining the exemption under Rule 6.05. At this time Mr. Hogan stated that the Department does consider the project to be remedial in nature and that a complete request would be forwarded to the Office of Freshwater Wetlands when obtained. He also stated that it appeared that some of the work outlined in the workplan would be considered exempt from the process in accordance with Rules 6.02 Limited Cutting or Clearing of Vegetation and 6.03 Limited Maintenance Activities. However, the workplan indicated in Section 4.0 that work such as Fence Installation and Utility Service Installation would be performed. From a site map provided in the workplan (Figure 2-1), it appeared that some of this work would possibly impact a wetland. The workplan also stated in Section 4.1.2 that the Navy's contractor was in the progress of performing a wetland delineation to be utilized in identifying the wetlands and basing decisions regarding fence installation, utility pole installation, connections to the Defense Highway, and the implementation of erosion and sediment control. Mr. Hogan informed Mr. Blanchard at this time that no work should be performed that may potentially impact a wetland until a determination from the Department was issued. He also conveyed that as soon as the Office of Waste Management received a complete proposal, in accordance with the Wetlands Regulations Rule 6.05(A&D), the submittal and appropriate fee would be forwarded to the Office of Freshwater Wetlands with a determination that the activities were required by the Office of Waste Management for remediation of contamination resulting from releases of oil and/or hazardous materials.

On 2 October 1996, the UST Program received a cover letter dated 27 September 1996, addressed to Dean Albro Chief of the Office of Freshwater Wetlands. The cover letter transmitted a wetland delineation site plan and technical information concerning the possible effect of groundwater draw down on surrounding wetlands. Upon receipt of this information, Mr. Hogan called Mr. Blanchard and informed him that the Office of Freshwater Wetlands would not initiate the review unless the submittal was accompanied by the appropriate fee in accordance with the Wetlands Regulations, Rules 8.03 & 8.04.

At the time of the Departments first on-site tank inspection on 21 October 1996, a representative of the Office of Waste Management informed Ray Roberge of the NETC that the contractor should not proceed with any activities which may impact a wetland until a determination from the Office of Freshwater Wetlands is received. To date the Department has not received the appropriate application fee and the UST Program has not forwarded the plans to the Office of Freshwater Wetlands for a consistency review. If there are any outstanding issues or questions, I recommend that the Navy contact Mr. Chuck Horbert of the Office of Freshwater Wetlands directly at 277-6820 ext. 7402 to determine what is necessary to complete the submittal. It is my understanding that the workplan and wetlands delineation currently submitted to the UST Program will be sufficient to initiate the review by the Office of Freshwater Wetlands but that the submittal is not complete without the appropriate fee and a request from the Office of Waste Management for a consistency review for the exemption of

the Wetlands Regulations in accordance with Rule 6.05.

Please try to expedite the resolution of these issues as work is currently on-going at this site and the department would like to finalize and approve the associated workplan. If I can be of assistance in any way or the Navy would like to meet with both the Office of Waste Management and the Office of Freshwater Wetlands, please call me at (401) 277-4700 ext. 7504.

Sincerely,



Eric A. Beck P.E.
Office of Waste Management
Underground Storage-Tank Program

cc: Terrence Gray, Director OWM
Bruce Catterall, Supervisor UST Program OWM
Pat Hogan, UST/OWM
Paul Kulpa, OWM
Charles Horbert, OFW
Dave Dorocz, NETC
Ron Blanchard, NETC